

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
BUSINESS ROUNDTABLE, TEXAS  
ASSOCIATION OF BUSINESS, and  
LONGVIEW CHAMBER OF  
COMMERCE,

*Plaintiffs,*

v.

FEDERAL TRADE COMMISSION and  
LINA KHAN in her official capacity as  
Chair of the Federal Trade Commission,

*Defendants.*

Case No. 6:24-cv-00148 [JCB]

**NOTICE OF RELATED CASES**

Pursuant to Local Rule CV-42(a) and the Court's Scheduling Order dated April 26, 2024 (Dkt. 20), plaintiffs Chamber of Commerce of the United States of America, Business Roundtable, Texas Association of Business, and Longview Chamber of Commerce make the following disclosures:

1. *Ryan, LLC v. FTC*, No. 3:24-cv-986 (N.D. Tex. Apr. 23, 2024) (Brown, J.), involves subject matter that comprises a material part of the subject matter of the pending case because it involves a challenge to the FTC's Non-Compete Clause Rule, dated April 23, 2024.

2. *ATS Tree Services, LLC v. FTC*, No. 2:24-cv-1743 (E.D. Penn. Apr. 25, 2024) (Hodge, J.), involves subject matter that comprises a material part of the

subject matter of the pending case because it involves a challenge to the FTC's Non-Compete Clause Rule, dated April 23, 2024.

3. With respect to the portion of the Court's order requiring the "disclosure of whether any party in a related case is a member of any plaintiff association," plaintiffs Chamber of Commerce of the United States of America (U.S. Chamber) and Texas Association of Business respectfully request that the Court excuse them from complying with that requirement. The U.S. Chamber and Texas Association of Business ordinarily keep their membership confidential, consistent with their (and their members') associational right under the First Amendment to represent their members' interests without disclosing their identities. *See Americans for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2382-2385 (2021) (opinion of Roberts, C.J.) (applying exacting scrutiny to compelled membership disclosures); *id.* at 2390 (opinion of Thomas, J.) (applying strict scrutiny); *id.* at 2391-2392 (opinion of Alito, J.) (applying at least exacting scrutiny); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 466 (1958). Confidential association furthers First Amendment values by enabling "effective advocacy of both public and private points of view." *Americans for Prosperity Found.*, 141 St. Ct. at 2382 (quoting *NAACP*, 357 U.S. at 460). The First Amendment accordingly protects U.S. Chamber and Texas Association of Business (and their members) from "compelled disclosure" of their members' identities. *Id.*

4. It is a matter of public record, however, that Ryan, LLC (Ryan) is a member of plaintiff Texas Association of Business. The fact that one of its members has filed its own litigation does not change the need for Texas Association of Business to

pursue litigation on behalf of all of its members. In addition, plaintiffs Business Roundtable and Longview Chamber of Commerce make their membership lists public, and Ryan is not a member of either organization.

5. Counsel for plaintiffs has spoken with counsel for ATS Tree Services, LLC, which has consented to plaintiffs disclosing that it is not a member of any of the plaintiff organizations.

6. If the Court is concerned about the possibility that, by bringing their own suits, other parties could have two opportunities to secure judicial relief, *see* April 26 Order at 2, plaintiffs respectfully submit that that issue is appropriately addressed when the Court considers the scope of relief in the event that plaintiffs prevail on the merits. Moreover, counsel for plaintiffs in this suit have spoken with counsel for Ryan, who have stated that their client will not seek to enforce any remedy in this suit that is limited to the members of the plaintiff organizations.

Dated: April 29, 2024

Respectfully submitted:

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